

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MARK ANDREW ROWEN

Group Art Unit: 1796

Examiner: Noah S. Frank

Serial No.: 10/595,803

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For: PAINT PRODUCT AND METHOD OF MANUFACTURE

Attorney Docket No.: ROWE 0101 PUSA

**DECLARATION OF MARK ANDREW ROWEN
UNDER 37 C.F.R. § 1.132**

Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Mark Andrew Rowen, do hereby declare and state as follows:

1. I graduated from high school in 1977 being in the top one percent of the students in the state, graduated in 1982 from Darling Downs Institute of Advanced Education (D.D.I.A.E.) with a Bachelor of Applied Science majoring in Chemistry, and graduated in 1987 from D.D.I.A.E. with a Bachelor of Business majoring in marketing.

2. In 1984 to 1987, I was employed at Mirotone Pty Ltd. working in the department of industrial paint sales. In 1987 to 1990, I was employed at Gladstone Chemicals Pty Ltd. working on petrochemical sales and marketing to the paint and chemical industries. In 1990 to 1998, I was a major shareholder at NOVA Recyclers Pty Ltd. working on petrochemical solvent recycling by distillation. In 1998, I negotiated the sale of Nova Recyclers Pty Ltd to Nuplex Limited and continued working for Nuplex for 1 year. In 1999 to 2003, I was employed at Valley Solvents working on small scale solvent recycling and development of paint recycling technology. From 2004 to present, I have been the major

shareholder at Planet Paints Pty Ltd., a company specializing in the commercialization of paint recycling technology.

3. I am the inventor of the claimed subject matter of U.S. Application Serial No. 10/595,803, hereinafter the "Application," and am familiar with the content of the application and the Office Action date November 6, 2009 received from the United States Patent and Trademark Office, hereinafter the "Office Action."

4. The claimed invention is directed to a paint residue extracted from a waste paint stream, which illustratively includes a waste paint stream from the automotive refinish trade. *See* for instance page 3 of the original specification at lines 7-11.

5. The Automotive refinish trade in Australia, and indeed globally, uses the so called "clear over basecoat" system. Pigmented basecoat is applied over suitably prepared surfaces as a one-component coating, over which is applied a two-component clear coating. Low temperature ovens operable at 60-80 degrees Celsius are typically used to cure this system to speed throughput. During and after a refinishing coating project, excess refinish paint compositions from the paint spraying equipments are washed off via wash solvents to prevent clogging and paint color cross-contamination.

6. In practice, users of this system are encouraged to quarantine the mixed two-component clear coating compositions from the wash solvent stream. Small amounts can be tolerated as they only cause the formation of gel particles which settle out in waste containers and are discarded prior to distillation. The resulting wash solvent diluted stream is the waste paint stream as referenced in the claimed invention.

7. In the automotive refinishing market, "waste paint stream" is a term of art in that the waste paint stream does not get disposed or treated until a time period of for instance ten days to two weeks has elapsed after the solvent washing. Two primary benefits can be obtained through this trade practice. First, disposal of the waste paint stream often involves an additional expense to the automotive refinish business owners; therefore, usually batches

of waste paint stream are accumulated for an one-time disposal to minimize related costs. Second, any complementary reactive groups present in the waste paint stream will be fully reacted to each other to form solids which settle out of the waste paint stream. These solids are removed and disposed separately from the waste paint stream again to reduce disposal cost. Therefore, the resulting waste paint stream ready for disposal as a waste is a liquid of a low viscosity and does not contain large amounts of gelled paint as stated in the original specification on page 3 at lines 13-14.

8. As a result of this trade practice, at the time of being picked up for disposal, the waste paint stream remains a liquid, is devoid of large amount of gelled paints, and ten days to two weeks old. The waste paint stream contains predominantly the one-component coating compositions which have been dissolved in the wash solvent and is free of any isocyanate compounds or compound isocyanate. This is because any free isocyanate groups would have been fully reacted to the hydroxyl groups which are in excess.¹ Likewise, any isocyanate compounds containing the isocyanate groups would settle out of the waste paint stream during the waste storage period and would have been removed from the solid/liquid separation before disposal. The claimed invention is directed to a paint residue distillation extracted from a waste paint stream, which illustratively includes a waste paint stream from the automotive refinishing trade/market. *See* for instance page 3 of the original specification at lines 7-11.

9. I submit that the paint waste stream as recited in the claimed invention is free of compound isocyanate and consequently free of reactive isocyanate groups.

10. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

¹ Even after being subjected to a high heat distillation treatment, the paint residue derived from the waste paint stream still contains a measurable amount of hydroxyl content such that the paint residue is to be thinned with 25 to 30% by volume of the original wash solvent. *See* page 3 of the original specification at lines 27-28.

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application and any patent issued therein.

Signed M. A. Lewen Date 29/1/10